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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,501

03/13/2007

Marjolein Van Der Voort

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09/18/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
595 MINER ROAD  
CLEVELAND, OH 44143

EXAMINER

EVANS, FANNIE L

ART UNIT

PAPER NUMBER

2877

MAIL DATE

DELIVERY MODE

09/18/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,501	<b>Applicant(s)</b> VAN DER VOORT ET AL.	
	<b>Examiner</b> F. L. Evans	<b>Art Unit</b> 2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on March 13, 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-12, 15 and 18 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 13, 14, 16, 17 and 19-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>061506</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***The Preliminary Amendment***

Receipt is acknowledged of the preliminary amendment filed on June 15, 2006. The amendment has been placed of record in the file.

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d), which papers have been placed of record in the file.

### ***The Title of the Invention***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 6-9, 11, 12, 15, and 18 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Sharts et al (US 6,307, 625 B1)

Sharts et al disclose an apparatus for optical (Raman) spectroscopy comprising: a pulsed light source generator (101, 2) that provides an excitation light source directed towards a detection volume (106, 12); a means (107-109, 13-16) for directing return radiation from the detection volume (106, 12); towards a spectrometer (110-11, 17-18); and a means for filtering out fluorescence from the return radiation using a time reference provided by the light source (paragraph bridging columns 1 and 2, lines 54-60 in column 6 and lines 13-22 in column 8). The pulsed light source generator comprises a pulsed laser (lines 7-10 in column 5). The method of claims 1, 3, 6, and 8 is performed when using the apparatus

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of Sharts et al. applicant's attention is directed to Sharts et al in its entirety with particular attention directed to Figs. 1 and 6 and the text pertaining thereto.

Claims 1-3, 8-10 and 15 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Delhay et al (US 4,678,277), cited by applicant.

Delhay et al disclose an apparatus for optical (Raman) spectroscopy comprising: means (1) for directing of a light pulse having a first pulse duration to a detection volume (6), the light pulse causing a return radiation signal having a first signal component and one or more second signal components, the first signal component having a second pulse duration being substantially similar to the first pulse duration (lines 1-12 in column 3), means for reducing of the second signal component of the return radiation signal (8, 9), means for performing of a spectroscopic analysis of the return radiation signal (12). The first pulse duration is a few picoseconds (lines 57-60 in column 3). The light pulse is provided by a pulsed laser (lines 66-68 in column 3).

***Allowable Subject Matter***

Claims 4, 5, 13, 14 16, 17 and 19-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to dependent claim 4, the prior art of record, taken alone or in combination, fails to disclose or render obvious a method of optical spectroscopy wherein the reduction of the second signal component is performed by delaying part of the return radiation signal, thereby providing a delayed return radiation signal and an undelayed return radiation signal, in combination with the rest of the limitations of the claim.

As to dependent claim 13, the prior art of record, taken alone or in combination, fails to disclose or render obvious an apparatus for optical spectroscopy comprising optical means for delaying part of the

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return radiation in order to provide a delayed return radiation signal for elimination of the second signal component, in combination with the rest of the limitations of the claim.

As to dependent claim 14, the prior art of record, taken alone or in combination, fails to disclose or render obvious an apparatus for optical spectroscopy comprising electronic means for delaying part of the return radiation signal for eliminating of the second signal component, in combination with the rest of the limitations of the claim.

As to dependent claim 19, the prior art of record, taken alone or in combination, fails to disclose or render obvious an apparatus for optical spectroscopy wherein the means for filtering out the fluorescence uses the time reference to create a delayed return radiation signal and creates a second signal that is the sum of the delayed return radiation signal and an undelayed return radiation signal; wherein the second signal is used for spectroscopic analysis, in combination with the rest of the limitations of the claim.

As to dependent claim 21, the prior art of record, taken alone or in combination, fails to disclose or render obvious an apparatus for optical spectroscopy wherein the radiation return signal includes an undelayed radiation return signal and a delayed radiation signal; and wherein the delayed radiation signal and the undelayed radiation signal are combined to form a combined signal, in combination with the rest of the limitations of the claim.

### ***Telephone Numbers***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner whose telephone number is (571) 272-2414.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext 77. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/F. L. Evans/  
Primary Examiner  
Art Unit 2877**

September 13, 2008